

N.A

Notice of Allowability	Application No.	Applicant(s)	
	10/755,009	WOOD, WILLIAM A.	
	Examiner	Art Unit	
	James P. Hughes	2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed June 20, 2005.
2. ☒ The allowed claim(s) is/are 1,3-13,15 and 16.
3. ☒ The drawings filed on 20 June 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see the amendment, filed June 20, 2005, with respect to have been fully considered and are persuasive. The rejections of claims 1, 3-13, and 15-16 have been withdrawn.

Applicant's argument that the amended claims would not have been obvious to one of ordinary skill in art at the time of the invention in view of the prior art of record because as applicant argues "it is not obvious that the performance of optical fibers could be optimized if the clad diameter was reduced below 90 μ m, especially if the fiber is tightly coiled (8mm to 40 mm bent radius)". This assertion is supported by applicants correct admission that "it is well known to those skilled in the fiber art that optical fibers with smaller clad diameters are more sensitive to microbend losses, and the smaller diameter, the higher the microbend loss sensitivity."

However, Qi et al. (6,810,185) – which has a pre-grant publication (2003/0142940) with a 102(a) publication date, a common assignee, and a common inventor – provides a teaching wherein, it is taught that reducing the outer cladding thickness to less than 45 microns from the conventional 62.5 microns (i.e. an outer cladding diameter of less than 90 microns) is advantageous because it will reduce the size, weight, and cost of a coiled fiber device suitable for dispersion compensation. (See e.g. Col. 1, ll. 5-65)

In the interest of compact prosecution; applicant's representative, Svetlana Short, was contacted regarding the Qi teaching reference. The 2003/0142940 reference would be available for use in a 103(c) rejection; however, as there is a common assignee and a common inventor, applicant could overcome the reference with a statement that the Qi invention was commonly owned at the time of the invention. See MPEP 706.02(1).

However, upon further analysis of the assignment records it is evident that the Qi et al. (2003/0142940) reference was assigned to the same entity (Corning Incorporated) at the time of the constructive reduction to practice (the filing date) of the instant invention. The Qi et al. (2003/0142940) reference was assigned on February 19, 2002 and the effective filing date of the instant invention is January 8, 2004.

Svetlana Short verbally made the statement discussed above in an interview on August 19, 2005. During the interview it was agreed upon that applicant would respond to a Notice of Allowance with the statement in writing. **Although, no such statement is required because the assignment history shows this to be the case. No action by applicant is necessary.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Allowable Subject Matter

2. Claims 1, 3-13, and 15-16 are allowed. The following is an examiner's statement of reasons for allowance. Claims 1 and 11 are allowed because the prior art of record fails to teach or fairly suggest a rare earth doped fiber coil (an optical amplifier) comprising a doped core surrounded by a cladding with outer clad diameter less than 90 microns and being coiled with a bend radius of less than 40 mm; in combination with the other recited limitations in the claims. Claims 3-10 are allowed by virtue of their dependence on claim 1 and claims 12, 13, 15, and 16 are allowed by virtue of their dependence on claim 11.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Kalman et al. (5,185,749) provides an example of common teaching of a fiber sensor device wherein the outer cladding diameter is less than 90 microns. However these devices are typically not employed in optical communications systems and not coiled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James P. Hughes whose telephone number is 571-272-2474. The examiner can normally be reached on Monday - Friday 9am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James P. Hughes
Patent Examiner
Art Unit 2883



Frank G. Font
Supervisory Patent Examiner
Technology Center 2800